NOT FOR PUBLICATION

CLOSED

UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

ROSALINDA O. CARINO,

Plaintiff,

: Civil Case No. 07-2483 (FSH)

v.

ORDER and OPINION

THE AMERICAN BANK OF NEW JERSEY, et al., : Date: March 4, 2008

Defendants.

HOCHBERG, District Judge

This matter having come before the Court on Plaintiff Carino's Motion to Reopen the Case (DKT#11) and the Court having considered Plaintiff's papers in accordance with Fed. R. Civ. P. 78; and

it appearing that on May 23, 2007 Plaintiff Carino submitted an application to appear in forma pauperis, which the Court denied on June 14, 2007; and

it appearing that in the Court's June 14, 1007 Order, the Court "ORDERED that Plaintiff has until July 13, 2007 to pay the \$350 filing fee under 28 U.S.C. §1914(a) to the Clerk's office or else this Complaint will be deemed withdrawn." (DKT#5); and

it appearing that Plaintiff Carino failed to submit the \$350 filing fee by July 13, 2007, after which the Court "ORDERED that the Complaint in this matter is hereby deemed withdrawn, and the Clerk of the Court shall close the file." (DKT#7); and

Case 2:07-cv-02483-FSH-PS Document 12 Filed 03/04/08 Page 2 of 2 PageID: 76

it appearing that on January 4, 2008, nearly six months after the deadline imposed by this

Court's order, Plaintiff Carino attempted to pay her fee and moved this Court to reopen this case.

ACCORDINGLY IT IS on this 4th day of March, 2008

ORDERED that Plaintiff Carino's Motion to Reopen the Case (DKT#11) is **DENIED**

without prejudice to Plaintiff's right to refile a new case with the Clerk of the Court, and without

any opinion as to the timeliness of any subsequent filing; and it is further

ORDERED that if the Clerk of the Court has already accepted the \$350 filing fee from

Plaintiff for this case, such fee shall be refunded to Plaintiff, and that Plaintiff shall enclose her

\$350 filing fee if she chooses to refile this case with the Clerk of the Court.

/s/ Faith S. Hochberg

Hon. Faith S. Hochberg, U.S.D.J.

2